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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,304	07/24/2003	Raymond Moskaluk	200309921-1	1906

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EXAMINER
QIN, YIXING

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
03/06/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/627,304	MOSKALUK, RAYMOND	
	Examiner	Art Unit	
	YIXING QIN	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8-17 and 19-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,8-17 and 19-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 1/22/08, all requested changes have been entered.

Response to Arguments

The applicant's arguments are directed towards the newly added features in the amended claims presented 1/22/08. The prior art reference, Ostrover, does not disclose or suggest the new claims. However, a new reference, Wang et al (U.S. Patent No. 5,490,217) discloses an invention where a media comprising a document and an machine readable image code containing an copy of the document are printed together. The machine readable image code can be used to reproduce the document. The Wang et al teaches/suggests the newly amended claims. Please see below for more detail.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8, 14, and 25-30 rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al (U.S. Patent No. 5,490,217).

Regarding claims 1, 25, Wang discloses an image storage method comprising:

receiving a first photo-based image; (Fig. 8 shows a passport photo, also Fig. 2 shows a computer system for obtaining information)

printing a picture of said first image photo based on a media; (Fig. 8 shows printed images and info for a passport)

placing an encoded digital image copy of a barcode representation of said first photo-based image on said media, wherein a reprint of said picture is obtainable by a reading of said encoded digital image copy of a barcode representation from said media; (item 16 of Fig. 8 is a machine readable image code – "code 16". Column 5, lines 57-63 discloses that personal info, photo image and signature can be encoded on code 16. Column 4, line 54 - column 5, line 4 that code 16 can be scanned and stored. Note that in column 5, lines 52-55 that one example given is that a patient's file can be retrieved from the machine code and printed) and

encoding redundant information, wherein if portions of the photo-based image are lost or damaged, the redundant information is configured to compensate for the loss or damage to prevent the loss or damage from interfering with reproduction of the photo-based image. (as mentioned above, the code 16 can contain a variety of information, including images and related information. Column 4, lines 20-29 discloses that this code 16 has higher storage and damage recovery/error correction capability. Also note column 2, lines 55-60)

Regarding claim 2, Wang discloses the method of claim 1, wherein said encoded representation of said first photo-based image comprises a computer-readable representation of said first photo-based image. (item 16 is a machine readable image code)

Regarding claims 3, 26, Wang discloses further including creating said encoded representation of said first photo-based image. (column 2, lines 23-38 discloses generation of the code 16)

Regarding claims 5, 29, Wang discloses wherein said receiving said first photo-based image comprises receiving a non-character-representation-based computer-readable image. (one can see in Fig. 8 that a photo for a passport can be encoded in code 16)

Regarding claim 6, Wang discloses the method of claim 1, wherein said receiving said first image comprises receiving a non-character-representation-based computer-generated image. (one can see in Fig. 8 that a photo for a passport can be encoded in code 16)

Regarding claim 8, Wang discloses the method of claim 1, wherein said placing said encoded representation of said first photo based image on said media comprises

placing said encoded representation of said first photo based image in a computer-readable storage on said media.

Regarding claim 14, Wang discloses the method of claim 1, wherein said placing said encoded representation of said first photo-based image on said media comprises attaching said encoded representation of said first photo-based image to said media. (See Figs 7-10, where a barcode is attached to the media)

Regarding claim 27, Wang discloses the image processing system of claim 25, wherein said first image is a digital representation of a source picture. (Fig. 8, item 26 is a digital representation of a user's photo)

Regarding claim 28, Wang discloses the image processing system of claim 25, wherein said first photo-based image is a photographic image of a source picture. (Fig. 8, item 26 is a digital representation of a user's photo)

Regarding claim 30, Wang discloses the image processing system of claim 25, further including means for reading said encoded representation of said first photo-based image to produce said reprint of said picture. (column 4, lines 54-58)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15-17, 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,490,217)

Regarding claim 15, Wang discloses an image storage method comprising:

The Wang reference discloses attaching a barcode representation of a document to the same media as a document.

It does not explicitly disclose "receiving a first media of photographic paper comprising an encoded digital image copy of a barcode representation of a photo-based image;"

However, Wang discloses item 16 of Fig. 8 is a machine readable image code. Column 5, lines 57-63 discloses that personal info, photo image and signature can be encoded on code 16. Column 4, line 54 - column 5, line 4 that code 16 can be scanned and stored. Note that in column 5, lines 52-55 that one example given is that a patient's file can be retrieved from the machine code and printed. While Wang does not explicitly disclose that the paper used is photographic, this would have been an obvious variation of the Wang invention if it were to be adapted to reproducing photos)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have printed on photographic paper

The motivation would have been to adapt the Wang invention to particular need.

Therefore, it would have been obvious to use a particular type of media to obtain the invention as specified.

replicating a picture of said photo-based image on a second media, said replicating based on said encoded digital image copy of a barcode representation of a non-character-representation-based image as said photo-based image; (column 2, lines 55-60 discloses that only the code 16 is needed to reproduce a document) and

encoding redundant information, wherein if portions of the photo-based image are lost or damaged, the redundant information is configured to compensate for the loss or damage to prevent the loss or damage from interfering with reproduction of the photo-based image. (the code 16 can contain a variety of information, including images and related information. Column 4, lines 20-29 discloses that this code 16 has higher storage and damage recovery/error correction capability.)

Regarding claim 16, Wang discloses the method of claim 15, wherein said first media of photographic paper includes an existing picture that is represented by said encoded representation of said photo-based image. (Fig. 8 shows a photo 28 that is encoded)

Regarding claim 17, Wang discloses the method of claim 15, further including placing a copy of said encoded representation of a non-character-representation-based image as said photo-based image on said second media. (Again, from above and column 3, lines 6-16 the document may be reproduced, indicating that all portions of the document including any images or other information is reproduced.)

Regarding claim 32, Wang discloses the method of claim 8, wherein said placing said encoded representation of said first photo-based image in said computer-readable storage on said media comprises placing said encoded representation of a non-character-representation-based image in said computer-readable storage on photographic paper. (Fig. 8 shows a barcode with encoded information. Again, the media type would be an obvious variation.))

Regarding claim 33, Wang discloses the method of claim 14, wherein said attaching said encoded representation of said first photo-based image to said media comprises:

placing said encoded representation of a non-character-representation-based image in a computer-readable storage; (column 2, lines 23-38 – generation of code 16) and

attaching said computer-readable storage to photographic paper (Fig. 8 shows a barcode with encoded information. Again, the media type would be an obvious variation.)

II. Claims 9-13, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,490,217) in view of Official Notice.

Regarding claims 9-13, Wang discloses a microchip with a memory that is to be attached to a surface for representing a document printed on that surface.

It does not explicitly disclose the specific types of memories used.

However, the Examiner takes Official Notice on the use of different types of memories since they are common mediums used in data storage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any known storage medium.

The motivation would have been to allow various ways to store data depending on various needs such as size, cost, etc.

Therefore, it would have been obvious to use various storage types to obtain the invention as specified.

Regarding claim 19, Wang discloses an image storage media comprising:

means for receiving a first photo-based image; (Fig. 8 shows a passport photo, also Fig. 2 shows a computer system for obtaining information)

means for printing; (Fig. 2, item 8)

a first surface adapted for displaying a picture of a photo-based image printed from said means for printing; (Fig. 8, for example, shows a passport photo)

means for storing; (code 16) and

Wang does not explicitly disclose "a second surface configured for storing an encoded representation of said photo-based image from said means for storing, said first and second surfaces being in communication with each other, wherein a replicate picture of said first photo-based image is obtainable through employment of said encoded representation from said second surface.

However, Wang discloses item 16 of Fig. 8 is a machine readable image code . Column 5, lines 57-63 discloses that personal info, photo image and signature can be encoded on code 16. Column 4, line 54 - column 5, line 4 that code 16 can be scanned and stored. Note that in column 5, lines 52-55 that one example given is that a patient's file can be retrieved from the machine code and printed. Although Wang does not detail which surface to print onto, Official Notice is taken because it is well known to be able to print information on both sides of a media (such as a piece of paper).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have printed on different surfaces.

The motivation would have been for a preference of a user to print a barcode at a suitable location.

Therefore, it would have been obvious to print on both sides of a media to obtain the invention as specified.

Regarding claims 20-24, these claims are similarly rejected as claims 9-13 above. The motivation for having these a on a second surface has been discusses in claim 19 above.

III. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,490,217) in view of the applicant's admitted prior art in the background of the invention ("background")

Regarding claim 31, Wang discloses a method for storing an electronic representation of data in a memory device attached to a printed medium.

It does not explicitly disclose "wherein said receiving said first photo-based image comprises receiving a photographic negative or positive;"

However, the background discloses in P[0004] that one type of input format can be a photographic negative.

Wang and the background are combinable because both are in the art of printing and reprinting information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a photographic negative or positive as an input format.

The motivation would have been to used a particular format and to adapt Wang invention to a particular use, which in this case is printing photos.

Therefore, it would have been obvious to combine Wang and the background to obtain the invention as specified.

Wang further suggests wherein said printing said picture of said first photo-based image on said media comprises printing said picture on photographic paper, (Fig. 8)

wherein said placing said encoded representation of said first photo-based image on said media comprises placing said encoded representation on said photographic paper. (Fig. 8 discloses image information with the bar code.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YIXING QIN whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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